

**UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: JOSEPH GARY RUBY  
AKA: GARY RUBY

Debtor(s) CHAPTER 13

CHARLES J. DEHART, III  
CHAPTER 13 TRUSTEE  
Movant

vs.

JOSEPH GARY RUBY  
AKA: GARY RUBY

CASE NO: 5-17-05030-RNO

Respondent(s)

**TRUSTEE'S MOTION TO DISMISS CASE**

AND NOW, on August 27, 2018, comes Charles J. DeHart, III, Standing Chapter 13 Trustee, by and through his attorney Agatha R. McHale, Esquire, and respectfully represents the following:

1. A Plan was filed on February 8, 2018.
2. A Confirmation hearing was held and an Order was entered on May 2, 2018 directing that an amended plan be filed within sixty (60) days.
3. As of the date of this Motion, an amended plan has not been filed.
4. The delay in filing a confirmable plan in this case is prejudicial to creditors.

WHEREFORE, your Trustee respectfully requests your Honorable Court dismiss the case upon the basis that Debtors have failed to propose a confirmable Plan.

Respectfully submitted,

s/ Agatha R. McHale, Esq.  
Id: 47613  
Attorney for Trustee  
Charles J. DeHart, III  
Standing Chapter 13 Trustee  
Ste. A, 8125 Adams Drive  
Hummelstown, PA 17036  
Ph. 717-566-6097  
Fax. 717-566-8313  
eMail: amchale@pamd13trustee.com

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CHAPTER 13

Debtor(s)

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CHAPTER 13 TRUSTEE  
Movant

CASE NO: 5-17-05030-RNO

**NOTICE**

NOTICE IS HEREBY GIVEN that Charles J. DeHart, III, Standing Chapter 13 Trustee for the Middle District of Pennsylvania has filed a Motion to Dismiss for failure to file a confirmable Chapter 13 Plan.

YOU ARE HEREBY NOTICED that a hearing has been scheduled on this matter for:

U.S. Bankruptcy Court Max Rosenn U.S. Courthouse Courtroom #2 197 S. Main Street Wilkes Barre, PA	Date: October 12, 2018 Time: 09:30 AM
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Any objection or response filed must be filed with the Clerk, U.S. Bankruptcy Court and served on the Chapter 13 Trustee.

Charles J. DeHart, III, Trustee  
8125 Adams Drive, Suite A  
Hummelstown, PA 17036  
Phone: (717) 566-6097  
Email: [dehartstaff@pamd13trustee.com](mailto:dehartstaff@pamd13trustee.com)

Dated: August 27, 2018

UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN        JOSEPH GARY RUBY  
RE:      AKA: GARY RUBY

CHAPTER 13

CASE NO: 5-17-05030-RNO

Debtor(s)

CHARLES J. DEHART, III  
CHAPTER 13 TRUSTEE  
Movant

**CERTIFICATE OF SERVICE**

I certify that I am more than 18 years of age and that on August 27, 2018, I served a copy of this Motion to Dismiss, Notice and Proposed Order on the following parties by 1<sup>st</sup> Class mail, unless served electronically.

BRIAN E MANNING, ESQUIRE  
502 SOUTH BLAKELY STREET  
DUNMORE, PA 18512-

Served electronically

United States Trustee  
228 Walnut Street  
Suite 1190  
Harrisburg, PA 17101

Served electronically

JOSEPH GARY RUBY  
108 CRESTWOOD LN.  
ARCBALD, PA 18403-1995

Served by 1<sup>ST</sup> class mail

I certify under penalty of perjury that the foregoing is true and correct.

Date: August 27, 2018

Vickie Williams  
for Charles J. DeHart, III, Trustee  
Suite A, 8125 Adams Dr.  
Hummelstown, PA 17036  
Phone: (717) 566-6097  
eMail: [dehartstaff@pamd13trustee.com](mailto:dehartstaff@pamd13trustee.com)

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**ORDER DISMISSING CASE**

Upon consideration of the Trustee's Motion to Dismiss, it is hereby Ordered that the above-captioned bankruptcy be and hereby is dismissed.